

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL CASE NO. 3:06cv417

DAVID C. JOHNSON,

Plaintiff,

vs.

**METROPOLITAN LIFE INSURANCE
COMPANY; BANK OF AMERICA
CORPORATION; BANK OF
AMERICA LONG TERM DISABILITY
BENEFITS PLAN; and BANK OF
AMERICA GROUP BENEFITS
PROGRAM,**

Defendants.

ORDER

THIS MATTER is before the Court on the parties' Joint Motion to Enlarge [Doc. 21].

The parties move the Court to enlarge the time to complete mediation from December 15, 2007 to January 31, 2008; to enlarge the time for completing discovery from January 15, 2008 to February 29, 2008; and to enlarge the time for filing dispositive motions from February 15, 2008 to March 15, 2008. The parties seek an extension of these deadlines

on the grounds that they have been unable to identify a mutually convenient date for mediation prior to January 23, 2008.

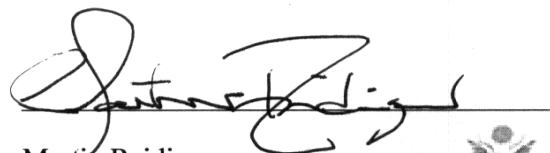
For the reasons stated in the motion and for cause shown, the parties' request for an extension of the mediation deadline to January 31, 2008 is **ALLOWED**.

In the joint motion the parties acknowledge that this matter is set on the calendar for the mixed trial term beginning April 21, 2008, and then make the curious statement that "the enlargements hereby sought do not appear to jeopardize any final trial or pre-trial setting." If the extension for dispositive motions were granted, the response to any motion filed at the deadline would not yet be due by the date of the final pre-trial conference. The parties do not appear to have calculated correctly. For these reasons the parties' requests for extensions of the discovery and dispositive motion deadlines are **DENIED**.

IT IS, THEREFORE, ORDERED that the parties' Joint Motion to Enlarge [Doc. 21] is **ALLOWED IN PART and DENIED IN PART**.

Signed: December 18, 2007

IT IS SO ORDERED.


Martin Reidinger
United States District Judge

